

**Introduced by Senator Steinberg**

(Principal coauthor: Assembly Member Lieber)

(Coauthors: Assembly Members Bass and Maze)

February 23, 2007

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An act to add Sections 5777.7, 11376, 11380.9, and 16125 to the Welfare and Institutions Code, relating to public social services.

## LEGISLATIVE COUNSEL'S DIGEST

SB 785, as introduced, Steinberg. Foster children: mental health services.

Existing law requires the State Department of Mental Health to implement managed mental health care for Medi-Cal beneficiaries through fee-for-service or capitated rate contracts with mental health plans, including individual counties, counties acting jointly, any qualified individual or organization, or a nongovernmental entity. Under existing law, this may include the provision of specialty mental health services to children in foster care.

This bill would require the State Department of Mental Health, by an unspecified date, to create a standardized contract, service authorization procedure, and set of documentation standards and forms, and to use these items to facilitate the receipt of medically necessary specialty mental health services by a foster child who is placed outside of his or her county of original jurisdiction, as specified. In addition, the bill would require the department to establish processes to explain to foster care providers how to arrange for mental health services on behalf of the beneficiary in their care, and to allow county child welfare agencies to make appropriate referrals and access information relating to the provision of mental health services to children as provided by the bill.

Existing law provides for the Adoption Assistance Program, to be established and administered by the State Department of Social Services, which provides for the payment by the department and counties of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs. Under existing law, the department or licensed adoption agency is required, among other duties, to provide the prospective adoptive family with information on the availability of mental health services through the Medi-Cal program or other programs.

Existing law provides that the county responsible for determining the child's eligibility for the program, and for providing financial aid is the county that at the time of the adoptive placement would otherwise be responsible for making a payment pursuant to the CalWORKs program or the Aid to Families with Dependent Children-Foster Care program if the child were not adopted.

Existing law provides for Kinship Guardianship Assistance Payment Program (Kin-GAP) and the Kin-GAP Plus programs, as a part of the CalWORKs program, which provide aid on behalf of specified categories of eligible children who are placed in the home of a relative caretaker. Existing law provides that the county that formally had court ordered jurisdiction over a child receiving benefits under the Kin-GAP and Kin-GAP Plus programs shall be responsible for paying the child's aid regardless of where the child actually resides, so long as the child resides in California.

This bill would provide that a foster child whose adoption has become final and who is receiving or is eligible to receive Adoption Assistance Program assistance, including Medi-Cal, or who has become the subject of a legal guardianship and is receiving Kin-GAP or Kin-GAP Plus assistance, including Medi-Cal, and whose foster care court supervision has been terminated, shall be the responsibility of the local mental health plan in the county of residence of his or her adoptive parents or legal guardian.

To the extent that it would impose new duties on county child welfare departments in connection with the provision of mental health services to foster children, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5777.7 is added to the Welfare and  
2 Institutions Code, to read:  
3 5777.7. In order to facilitate the receipt of medically necessary  
4 specialty mental health services by a foster child who is placed  
5 outside of his or her county of original jurisdiction, the State  
6 Department of Mental Health shall take all of the following actions:  
7 (a) No later than \_\_\_\_, 2008, create all of the following items,  
8 in consultation with stakeholders, including, but not limited to,  
9 the California Institute of Mental Health, the Child and Family  
10 Policy Institute, the California Mental Health Directors  
11 Association, and the California Alliance of Child and Family  
12 Services:  
13 (1) A standardized contract for the purchase of medically  
14 necessary specialty mental health services from organizational  
15 providers.  
16 (2) A standardized specialty mental health service authorization  
17 procedure.  
18 (3) A standardized set of documentation standards and forms,  
19 including, but not limited to, forms for treatment plans, annual  
20 treatment plan updates, day treatment intensive and day treatment  
21 rehabilitative progress notes, and treatment authorization requests.  
22 (b) Use the standardized items as described in subdivision (a)  
23 to provide medically necessary specialty mental health services to  
24 a foster child who is placed outside of his or her county of original  
25 jurisdiction, so that organizational providers who are already  
26 certified by a mental health plan are not required to be additionally  
27 certified by the mental health plan in the county of original  
28 jurisdiction.  
29 (c) (1) Use the standardized items described in subdivision (a)  
30 to provide medically necessary specialty mental health services to  
31 a foster child placed outside of his or her county of original  
32 jurisdiction to constitute a complete contract, authorization

1 procedure, and set of documentation standards and forms, so that  
2 no additional documents are required.

3 (2) Authorize a county mental health plan to be exempt from  
4 paragraph (1) and have an addendum to a contract, authorization  
5 procedure, or set of documentation standards and forms, when the  
6 county mental health plan has an externally placed requirement,  
7 such as a requirement from a federal integrity agreement, that  
8 would affect one of these documents.

9 (d) Following consultation with stakeholders, including, but not  
10 limited to, the California Institute of Mental Health, the Child and  
11 Family Policy Institute, the California Mental Health Directors  
12 Association, the California State Association of Counties, and the  
13 California Alliance of Child and Family Services, require the use  
14 of the standardized contracts, authorization procedures, and  
15 documentation standards and forms as specified in subdivision (a)  
16 in the 2007–2008 state-county mental health plan contract and  
17 each state-county mental health plan contract thereafter. The mental  
18 health plan shall include a standardized contract, as provided in  
19 subdivision (a), with a provider or providers of the county’s choice,  
20 to deliver approved specialty mental health services for a specified  
21 foster child, within 30 days of an approved Treatment  
22 Authorization Request (TAR).

23 (e) No later than \_\_\_\_, 2008, establish the following processes,  
24 in consultation with stakeholders, including, but not limited to,  
25 the California Institute of Mental Health, the Child and Family  
26 Policy Institute, the California Mental Health Directors  
27 Association, and the California Alliance of Child and Family  
28 Services and the County Welfare Directors Association:

29 (1) A process that explains to foster care providers how to  
30 arrange for mental health services on behalf of the beneficiary in  
31 their care.

32 (2) A process by which county child welfare agencies can refer  
33 children for assessments and services and receive information  
34 regarding available service providers from the local mental health  
35 plan that is responsible for providing services to the child.

36 (3) A process by which county child welfare agencies can access  
37 information on the provision of services from the local mental  
38 health plan that is responsible for providing services, including,  
39 but not limited to, a copy of the child’s treatment plan within 60  
40 days.

1 SEC. 2. Section 11376 is added to the Welfare and Institutions  
2 Code, to read:

3 11376. A foster child who has become the subject of a legal  
4 guardianship, who is receiving assistance under the Kin-Gap  
5 Program, including Medi-Cal, and whose foster care court  
6 supervision has been terminated, shall be the responsibility of the  
7 local mental health plan in the county of residence of his or her  
8 legal guardian.

9 SEC. 3. Section 11380.9 is added to the Welfare and  
10 Institutions Code, to read:

11 11380.9. A foster child who has become the subject of a legal  
12 guardianship, who is receiving assistance under the Kin-Gap Plus  
13 Program, including Medi-Cal, and whose foster care court  
14 supervision has been terminated, shall be the responsibility of the  
15 local mental health plan in the county of residence of his or her  
16 legal guardian.

17 SEC. 4. Section 16125 is added to the Welfare and Institutions  
18 Code, to read:

19 16125. A foster child whose adoption has become final, who  
20 is receiving or is eligible to receive Adoption Assistance Program  
21 assistance, including Medi-Cal, and whose foster care court  
22 supervision has been terminated, shall be the responsibility of the  
23 local mental health plan in the county of residence of his or her  
24 adoptive parents.

25 SEC. 5. If the Commission on State Mandates determines that  
26 this act contains costs mandated by the state, reimbursement to  
27 local agencies and school districts for those costs shall be made  
28 pursuant to Part 7 (commencing with Section 17500) of Division  
29 4 of Title 2 of the Government Code.